

### **REMARKS**

Applicants thank the Examiner for the Advisory Action dated August 5, 2003. Claims 1-8 are pending in the present application. Claims 9-15 were previously cancelled. New claims 16-28 are added by the present amendment.

In the final Office Action dated May 28, 2003, the drawings were objected to under 37 CFR 1.83(a) for failure to show every feature of the invention specified in the claims. Claims 1-7 stand rejected under 35 U.S.C. § 112 for failure to particularly claim and distinctly point out the subject matter which Applicants regard as their invention. Claims 1-8 stand rejected under 35 U.S.C. § 103. Applicants respectfully request reconsideration of the rejections in view of the following remarks.

#### **Drawings**

Formal drawings are submitted with this Amendment and Response.

In the final Office Action, the drawings were objected to under 37 C.F.R. 1.83(a) for failing to show the alternate embodiment which Applicants asserted is covered by claim 1. The Office Action stated:

The drawings must show every feature of the invention specified in the claims. Therefore, the alternate embodiment(s), argued by Applicant with regard to claim 1 (Amendment A, pg 4, lines 23-27) must be shown or the feature(s) canceled from the claims. No new matter should be entered.

The Advisory Action again stated that "CFR 1.83(a) clearly states that the application must show every feature of the invention specified in the claims."

Applicants respectfully traverse and respectfully request reconsideration of the objection to the drawings. Every element of the inventions specified in the claims is shown in Applicant's drawings. See MPEP 608.02(d) and CFR 1.83(a).

The Figures do not show every embodiment covered by claim 1, but this is not required. For example, the tensioner of claim 1 covers a variety of structures, but the drawings only show an exemplary embodiment — a stud and a nut. The tensioner recited in claim 1 may alternatively comprise a bolt that is engaged in a threaded hole in the glider 114 (see Application, p. 13, lines 5-12). This alternative tensioner structure is not shown in the drawings, and there is no requirement that it be shown. Claim 1 may cover

embodiments not shown in the drawings, including but not limited to the embodiment described by Applicants in Amendment A.

Federal Circuit precedent also indicates that the drawings do not need to show every alternative embodiment that is covered by the claims. See, e.g., Lampi Corp. v. American Power Prods., 228 F.3d 1365 (Fed. Cir. 2000) ("Although the patent drawings show only identical half-shells, see [U.S. Patent No. 4,965,875] . . . that does not compel the conclusion that the written description of the '875 patent is so narrowly tailored as to preclude Lampi from claiming non-identical half-shells in the '227 patent.") Moreover, "The mere fact that the patent drawings depict a particular embodiment of the patent does not operate to limit the claims to that specific configuration." Prima Tek II, L.L.C. v. Polypap, S.A.R.L., 318 F.3d 1143, 1148-49 (Fed. Cir. 2003). Applicants respectfully assert that the features of the alternate embodiments do not have to be canceled from the claim language or shown in the figures.

#### **Rejections under 35 U.S.C. §112**

Claims 1-8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The advisory action mailed August 5, 2003 did not mention the § 112 rejection.

Applicants respectfully traverse the rejection of claims 1-8 under § 112. Applicants have amended claim 1 to more clearly define the subject matter which Applicants regards as their invention and believe the claims as currently presented are in full compliance with § 112, second paragraph.

Applicants also believe that the fact that the claims cover multiple embodiments does not violate § 112, second paragraph. The final Office Action stated:

it is unclear if the drive mechanism and actively driven biasing member are both linked to the same or different plates. Additionally the claim states the drive mechanism and actively driven biasing member to be linked to "at least one", however the drawings clearly disclose these components linked to only one platen.

Applicants note that claim 1 as currently amended recites that the drive mechanism is coupled to at least one of the platens and that the driven biasing member is coupled to one of the platens.

Claim 1 covers an embodiment where the drive mechanism and driven biasing member are be coupled to the same platen, as shown in Fig. 1, as well as embodiments where the drive mechanism is coupled to a first platen and the driven biasing member is coupled to the second platen. In addition, both platens could be driven by the drive mechanism. In each embodiment, the system of claim 1 includes a tensioner that is linked to the driven biasing member for adjusting the dwell. Consistent with the above discussion and cited law, Applicants submit that the claims comply with 35 U.S.C. § 112 despite the fact that the claims cover multiple embodiments.

**Rejections under 35 U.S.C. §103**

Claims 1-7 stand rejected under 35 U.S.C. §103(b) as being obvious in view of United States Patent No. 5,167,750 to Myers.

The final Office Action stated:

Myers does not disclose the driven biasing member increasing an impression force between the first and second platens. It would have been obvious at the time of the invention to one having ordinary skill in the art to reverse the biasing members such that they bias the second platen towards the first platen since it has been held that mere reversal of the essential working parts of a device involves only routine skill in the art.

(Office Action dated May 28, 2003, page 3.) Applicants respectfully traverse this rejection.

Claim 1 as currently amended recites: "a driven biasing member coupled to one of the platens, the driven biasing member further urging the first and second platens together." Myers fails to disclose this limitation. In fact, Myers specifically teaches away from the proposed modification provided in the Office Action. Myers provides a spring-assist mechanism to reduce the amount of force that the user must exert to raise the upper platen. Myers describes that the "springs (40, 42) counterbalance some of the weight of the upper platen to relieve fatigue of the operator and to insure that the upper

platen is held in its open position." (Myers col. 3, lines 15-19.) The proposed modification to Myers would render the Myers device inoperable, or at least impracticable, because reversing the springs would reverse the bias on the upper platen and make it more difficult for an operator to separate the platens.

Myers also fails to teach or suggest providing "a drive mechanism that is coupled to at least one of the platens, the drive mechanism generating a cyclical impression force that presses the first and second platens together during a dwell" as recited in claim 1. Myers discloses a manually-operated device that does not generate a cyclical impression force.

Hix does not remedy the deficiencies of Myers. Accordingly, it is believed that the claims fully comply with § 103(a). Applicants respectfully request reconsideration and withdrawal of this rejection.

#### Claim 8

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Myers in view of United States Patent No. 5,147,496 to Hix. Claim 8 recites "the driven biasing member is a fluid-driven biasing member comprising a hydraulic cylinder." Hix discloses a press that includes a hydraulic cylinder. Neither Hix nor Myers teaches or suggests a tensioner linked to a biasing member that further urges the platens together, as recited by claim 1. Hix and Myers also fail to teach or suggest a drive mechanism that generates a cyclical impression force that presses the first and second platens together during a dwell as recited by claim 1, from which claim 8 depends. Accordingly, it is believed that the claims fully comply with § 103(a) and Applicants respectfully request reconsideration and withdrawal of this rejection.

Appl. No. 09/844,310  
Amdt. dated April 12, 2004  
Reply to Office Action of May 28, 2003

**SUMMARY**

In summary, each of claims 1-8 and 16-28 are in condition for allowance and a notice of allowance is respectfully requested. Although certain arguments were presented in support of patentability, the Applicants maintains that there may be other reasons that the claims are patentably distinct and allowable. The Applicants reserve the right to raise any such reason in the future. Please contact the undersigned attorney if there are any questions.

Respectfully submitted,  
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